

Message Text

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ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NRC-05 NSAE-00 USIA-06

TRSE-00 EUR-12 ERDA-05 ISO-00 L-03 /039 W

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R 220915Z OCT 76

FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 3155

INFO AMEMBASSY BONN

AMEMBASSY MOSCOW

AMCONSUL MUNICH

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EXCON

E. O. 11652: N/A

TAGS: ESTC UR GW

SUBJ: ETEC CORP, OEA COMPLIANCE DIVISION CASE NO. 26(76)-1

REF: (A) STATE A-4768, (B) STUTTGART 1365, (C) MUNICH 2521

1. IN RESPONSE TO OUR TELEPHONE DISCUSSION WITH SCHAFF OF SIEMENS KARLSRUHE (SIEMENS AG, BEREICH ANALYSENMESSTECHNIK, E-633, D-7500 KARLSRUHE, RHEINBRUECKENSTRASSE 50) REPORTED IN REF B, WE WERE TODAY INFORMED BY LETTER FROM SIEMENS LEGAL DIVISION (DR. LIONNET, SIEMENS AG, RECHTSABTEILUNG, POSTFACH 3240, D-8520 ERLANGEN 2) THAT, AS THE ETEC MATTER IS PRESENTLY UNDER LITIGATION IN CALIFORNIA, COUNSEL REPRESENTING SIEMENS CORPORATION US HAS ADVISED SIEMENS AG (GERMANY) THAT WHILE THE LITIGATION IS PENDING "THE MATTER SHOULD NOT BE DISCUSSED OUTSIDE THE LEGAL PROCEEDING."

2. AS SIEMENS HEADQUARTERS IS IN MUNICH AND THE SIEMENS LEGAL DEPARTMENT (ERLANGEN) IS ALSO IN THE MUNICH CONSULAR DISTRICT, THE MATTER SHOULD BE REFERRED TO MUNICH IF THE DEPARTMENT PREFERS TO PRESS THE ISSUE AT THE PRESENT TIME. AS SCHAAF AND BREMER HAVE NO SUPERIORS IN OUR DISTRICT, AND
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WILL NOT MEET WITH US DURING LITIGATION, MUNICH WOULD ALSO

BE THE CHANNEL TO PRESS FOR INFORMATION ON THE AUTOSCAN 35 SYSTEM DISCUSSED REF A. AS WE MENTIONED IN REF B, SINCE BREMER HEADS ONLY THE MARKETING AND OPERATION SECTION IN KARLSRUHE, IT IS UNLIKELY HE STILL RETAINS CONTROL OF THE AUTOSCAN 35. IF THE EQUIPMENT IS STILL UNDER SIEMENS CONTROL SOMEWHERE IN GERMANY, SIEMENS MUNICH WOULD PRESUMEDLY HAVE RECORDS SO INDICATING.

3. TEXT OF LETTER FROM LEGALDEPARTMENT FOLLOWS:

"WE REFER TO YOUR TELEPHONE CALL WITH OUR GROUP IN KARLSRUHE IN WHICH YOU SUGGESTED THAT WE DISCUSS THE ETEC CASE.

"AS YOU KNOW, THE ETEC MATTER IS CURRENTLY IN LITIGATION IN THE DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. A HEARING IS SCHEDULED FOR NOVEMBER 19, 1976. US COUNSEL REPRESENTING SIEMENS CORPORATION, A SUBSIDIARY OF SIEMENS AG HAS ADVISED SIEMENS AG THAT, WHILE THE LITIGATION IS PENDING, THE MATTER SHOULD NOT BE DISCUSSED OUTSIDE THE LEGAL PROCEEDING.

"ACCORDINGLY WE WOULD PREFER NOT TO TAKE UP YOUR SUGGESTION FOR THE TIME BEING. WE HOPE YOU WILL UNDERSTAND OUR POSITION WE ARE ASSUMING ON THE ADVISE OF OUR US COUNSEL.

"SINCERELY, LIONNET, LEGAL DEPARTMENT." MURPHY

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Message Attributes

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Draft Date: 22 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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